Copy for Weisberg

27 May 1969

John Nichols
Kansas City, Kan.

Dear John:

I delayed writing because I wanted first to see the other pictures that we are getting from the Archive. I doubt, however, that they will cause me to change to a great extent what I say here.

I am satisfied that all three of the evidence cases and Frazier's two tests fired bullets and experienced the full effect of blow-back. Admitedly, there are still anomalies that I would like to resolve, but I doubt whether their resolution will cast further light on what we already know.

Enclosed are Xeroxes with notations that indicate my reasons for asserting that the cases are legitimate-- at least to the extent that their marks were all produced by normal means. I still believe that the cases were planted, but I doubt whether we shall be able to prove it on the ~~marks~~ lines that I have been pursuing.

~~The paste-up of the five bases with the bolt face shows the cases properly in their relative positions to each other and to the bolt face (the bolt face must be regarded as a mirror image of the bases).~~

On the photo of the cases you will not that I have encircled what appears as a pair of marks on CEs 543 and 545, and a single corresponding mark on CE 544. These marks undoubtedly were caused by a small defect inside the rifle chamber. Since they are in the same relative position with respect to ~~the~~ all of the dents (mouth and shoulder), I presume that the shoulders were dented by the same process of ejection that caused the case mouth dent. Even though we did not manage to reproduce the shoulder dents, those marks virtual compell the conclusion that all the dents were caused in the same way. It is enormously improbable that the shoulder dents were caused by another means.

Even though the photos of the evidence cases do not show all the points of interest clearly, they do show marks that indicate that they suffered the full effect of blow-back, both on the primers and on the brass. I am sure that direct examination of the cases will reveal many more marks on the ~~xxxx~~ brass ~~than I have indicated~~.

What puzzles me is that Frazier said there were no marks on the brass, for there are marks that are evident even in our inadequate photos, marks produced by blow-back, I think. I may be able to understand this when I get the books that I requested and learn more about this phase of firearms identification. If there is significance in Frazier's error, I presently cannot understand what it is.

Although the photographs are not adequate to allow a definitive statement, it appears that Frazier's test cases do not show the full effects of blow-back on the brass, but since the marks on his primers correspond with the marks on the primers of the suspect cases, it is certain that all were subjected to the same pressures. It is just another puzzle that I cannot explain.

Concerning what I said about Frazier's use of the same picture in his microscopic comparison photos (CE 544), there is another thing that I forgot to mention. The exhibits showing Frazier's comparisons exist in the archives as negatives, not as photographs.

That is, a pair of negatives were lined up and pasted together. This means that Frazier duplicated the negative, not the photograph. Again, I cannot explain why.

The comparison microscope shows both objects through one eyepiece, and it is my understanding (I am not sure) that photographs illustrating the comparison are ~~xx~~ taken through that eyepiece. Under such conditions, a single negative shows both the suspect and the test; I.E., they are photographed by the single snap of the camera shutter. I wish that I had a firearms identification expert in residence, for I just don't know whether Frazier's process is normal. I strongly suspect that it is not, for his method is troublesome and unnecessary.

I'll know more when I get the books that I want. Presently I can understand what happened, but I cannot understand why.

I received Weisberg's two letters to you of 24 May.

The one dealing with Lattimer makes no sense to me, for I don't know who Lattimer is or what he has done. No comment.

I think Harold may be wrong in suggesting that you bear hard on Frazier and the FBI. IT's justified, to be sure, but how you treat the case should depend on what your judge is like. You may antagonize him badly if you rap the FBI with accusation of deliberate obfuscation. I think it sufficient to show that you cannot engage in definitive research on the basis if the evidence as it is presented in the Hearings. I may have misinterpreted Harold's remark , "go after Frazier and the FBI as hard as possible", unless that means that you should concentrate on the material that Frazier handled and show that his presentation is sometimes wrong and usually inadequate (Isuspect that this is what Harold means).

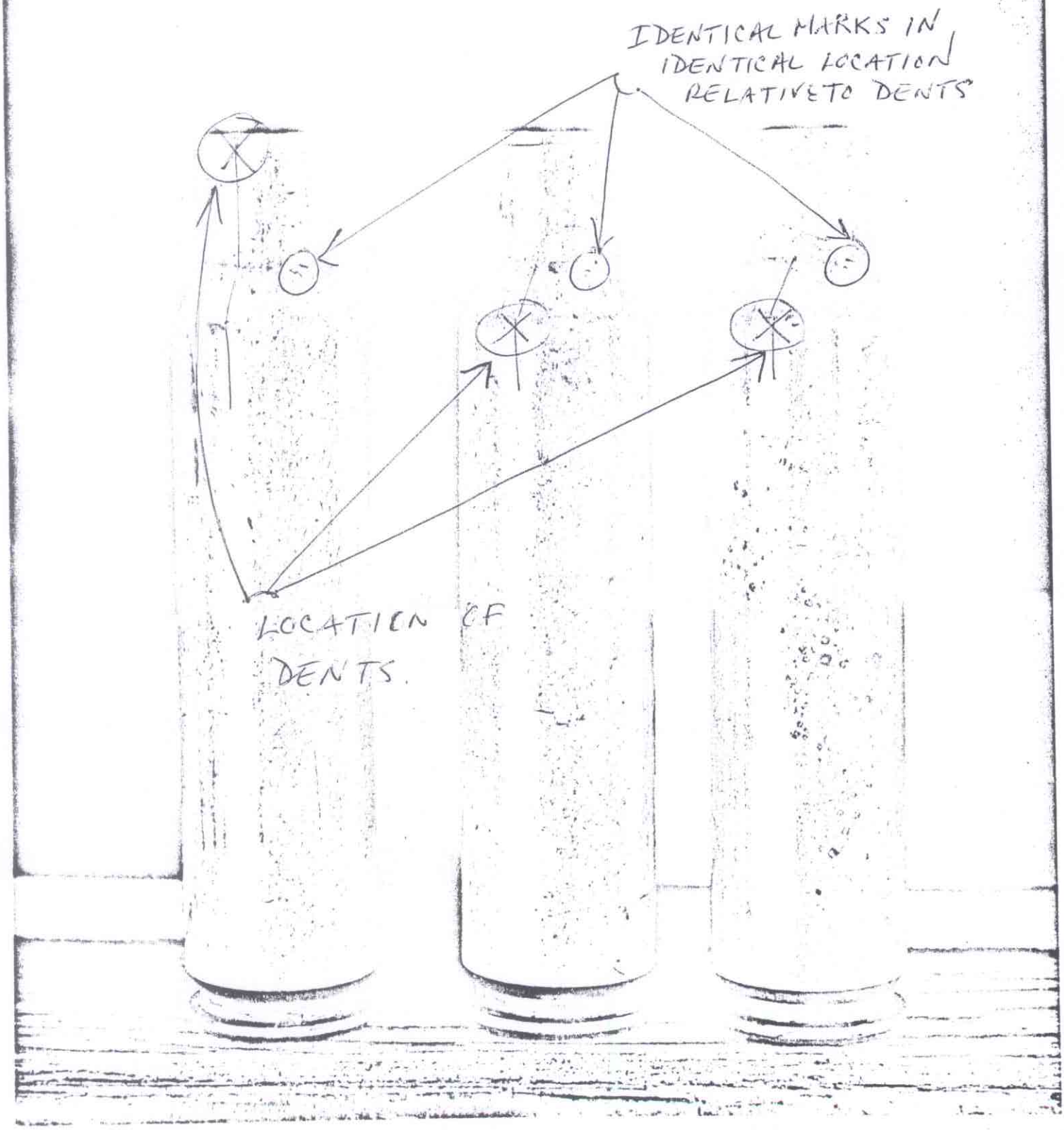
From time to time im the course of the summer, I'll be reviewing Frazier's testimony and exhibits carefully, and will pass to you anything that I think merits attention.

I suggest that you not waste further time on the matters that I have been dealing with concerning the cartridge cases. I think my bubble has burst; although I shall try to clear a few problems, I do not anticipate significant results.

Let me know whether I should return to you any of the material that you sent me. I would especially like to keep the clip, for I may want to run tests that require it.

I'll be in touch again.

Still,

Dick Bernabei

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